IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.55 OF 2001

IN

PETITION NO.741 OF 1999

Smt Sumatiben R. Rathod ...Petitioner

v/s

Smt Chanchalben Maganlal Karodiya ...Respondent

Mr D.R. Mishra i/b Mr P. Shukla for Petitioner.

Mr Niranjan Shimpi i/b Mr P.K. Dhakephalkar for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 23RD JUNE 2006.

P.C. :-

1. The heirship certificate which has been issued by this Court in favour of the petitioner, copy of which is at Exh.'B' to the petition, remained unchallenged. In the absence of any challenge to that heirship certificate before appropriate forum, this Court will have to go by that certificate. The heirship certificate shows that the petitioner was daughter of the husband of the deceased. Therefore, among heirs she is included. The petitioner's rank is above the mother in whose favour first letter of administration was granted as also sister in whose favour subsequently letter of administration was granted. In this view of the matter therefore, grant of letter of administration is liable to be revoked. Petition is therefore granted in terms of prayer clause (a).

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.